

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated November 13, 2008. Reconsideration and allowance of the application in view of the remarks to follow are respectfully requested.

Claims 1-15 are pending in the Application. Claims 10-15 are added by this amendment. By means of the present amendment, claims 1-9 are amended including for better conformance to U.S. practice, such as deleting reference numerals typically used in European practice that are known to not limit the scope of the claims. Further amendments include amending dependent claims to begin with "The". By these amendments, claims 1-9 are not amended to address issues of patentability and Applicants respectfully reserve all rights under the Doctrine of Equivalents. Applicants furthermore reserve the right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or continuing applications.

In the Office Action, claims 1-3, 6 and 8-9 are rejected under 35 U.S.C. §103(a) over European Patent Publication No. WO 01/54119 to Nakamura ("Nakamura") in view of U.S. Patent Publication No. 2001/0004345 to Tanoue ("Tanoue"). Claims 4, 5 and 7 are rejected

under 35 U.S.C. §103(a) over Nakamura in view of Tanoue in further view of U.S. Patent Publication No. 2002/0176346 to Lee ("Lee"). These rejections are respectfully traversed. It is respectfully submitted that claims 1-15 are allowable over Nakamura in view of Tanoue alone and in view of Lee for at least the following reasons.

Nakamura shows an optical recording medium that utilizes a plurality of identifiers in association with address information, wherein one of the identifiers is utilized to indicate layer information (see, abstract, FIG. 11B and paragraphs [0142]-[0144]). As is clear, Nakamura recommends a new addressing scheme including an identification code "'S' indicating the beginning of an address number" (see, paragraph [0142]) and including a layer number indicating the recording layer.

Similarly, Tanoue shows a new addressing scheme wherein a header field includes a number layer field (see, FIG. 4 and paragraphs [0067] and [0072]).

Each of Nakamura and Tanoue have a problem recognized by the Applicants of the Present Application in that "[i]ncluding additional layer information as separate or additional bits has the disadvantage that the layer information cannot easily be retrieved. The inventors have seen that some of the bits that are already

assigned to indicate a physical address can be redefined to indicate the layer information without reducing compatibility." (See, Present Application, page 2, lines 23-27.)

The record carrier of claim 1 is not anticipated or made obvious by the teachings of Nakamura in view of Tanoue. For example, Nakamura in view of Tanoue does not disclose or suggest, a record carrier that amongst other patentable elements, comprises (illustrative emphasis provided) "each recording layer comprising a pre-formed recording control pattern for indicating the track, the pattern comprising physical addresses having a predefined number of address bits that indicate the physical position of the physical address with respect to a starting point of the track, and at least one address bit of said predefined number of address bits of the physical address constituting at least one layer address bit that has a value indicating the recording layer, wherein said predefined number of address bits is predefined for a given recording standard and wherein said at least one address bit is redefined from indicating the physical address in the given recording standard to indicate the recording layer" as recited in claim 1, and as similarly recited by claim 6. Lee is cited for allegedly showing a


feature of the dependent claims and does not cure the noted deficiencies of Nakamura in view of Tanoue.

Based on the foregoing, the Applicants respectfully submit that independent claims 1 and 6 are patentable over Nakamura in view of Tanoue alone or together with Lee and notice to this effect is earnestly solicited. Claims 2-5 and 7-15 respectively depend from one of claims 1 and 6 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration and allowance of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101